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ABSTRACT

Submitted to Congress by Senator William V. Roth, Jr., of the Committee on Governmental Affairs, this document reports favorably on Senate Bill 786 (the Information Age Commission Act of 1986), legislation designed to establish a commission to study the impact of computer and communications systems on American society. The report provides: (1) a statement of the need for the legislation; (2) a summary of the legislation; (3) a discussion of the legislation; (4) legislative history of the bill; (5) a section-by-section analysis; (6) an evaluation of regulatory impact; (7) the estimated cost, provided in a letter from Rudolph G. Penner, Director of the Congressional Budget Office; (8) results of the vote in committee; and (9) a note on changes in existing law. (KM)

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INFORMATION AGE COMMISSION ACT OF 1986

SEPTEMBER 30 (legislative day, SEPTEMBER 24), 1986.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 786]

The Committee on Governmental Affairs, to which was referred the bill (S. 786) to establish an Information Age Commission, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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I. NEED FOR THE LEGISLATION

Information systems of all kinds are playing an increasingly important and controlling role in our society. Sophisticated computer technology is being used routinely in business, education, government, and the military. It is being used in information storage, processing, management, and decisionmaking. Most of this technology was not even in the conceptual phase several years ago.

Furthermore, the introduction of additional information technology is driving social and economic changes. Most of these changes are benefiting our society and generally improving the quality of American life. In the next few years, information technologies will continue to undergo rapid development and will be applied to a

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growing number of activities. However, these technological changes also appear to be rapidly outpacing the time needed for our economic and legal system to adjust.

To date, policy development regarding the "information age" has been a piecemeal effort, generally reactive to situations that have come to our attention. The United States cannot afford to continue in this fashion. The bill, S. 786, therefore, is needed to establish a commission to study in a comprehensive manner the impact of computer and communications systems on American society.

II. SUMMARY

The legislation establishes a Commission to study the impact of computer and communications systems on American society. The objectives of the legislation are to conduct studies and analyses of the efforts and resources necessary to: (1) maximize the benefit to society of computer and information system; (2) educate and re-educate our citizens; (3) measure the use and impact of computers and communication systems on our national security, labor, and employment; (4) encourage technological innovations.

The bill requires that the Commission submit a report to the President and the Congress concerning its activities under the Act no later than 24 months following the date on which this Act becomes law.

The Act provides for a 23-member Commission to be composed in the following manner: 3 are to be appointed by the President pro tempore of the Senate, 3 by the Speaker of the House of Representatives, and 17 by the President of the United States. These 17 Presidential appointees will be drawn from the Executive Branch of the federal government, local and state government, the information industry, labor, and academe.

The bill provides no direct federal funding for the Commission's work. The Commission will be allowed to receive donations from individuals and public and private organizations to assist it in carrying out the responsibilities and functions under the Act. Although members of the Commission will not receive a salary for their participation in the Commission's work, the bill does provide for the reimbursement of travel expenses, including a per diem allowance, when performing service to the Commission.

III. DISCUSSION OF THE LEGISLATION

On March 28, 1985, Senator Nunn introduced S. 786 and the bill was referred to the Committee on Governmental Affairs.

During the August 12, 1986, markup of S. 786, Senator Nunn offered an amendment to delete section 12 of the bill providing for a $3 million authorization to fund the Commission's activities. The Committee understood that the private information industry will be allowed to fund the Commission's work. Travel and per diem expenses for work performed by the Commission will be paid for on a reimbursable basis with federal funds, consistent with current law. Senator Nunn's amendment was unanimously adopted.

Another amendment was offered by Senator Cohen. The amendment added an item to the list of subjects the Commission will study. That item is the impact of computers and communications

systems on personal privacy. The amendment was unanimously adopted.

On August 12, 1986, the Committee ordered S. 786 reported favorably with amendments.

IV. LEGISLATIVE HISTORY

On March 28, 1985, Senator Nunn introduced S. 786. The bill is cosponsored by Senator Lautenberg.

The bill was referred to the Committee on Governmental Affairs and on August 12, 1986, the Committee considered the legislation and ordered the bill reported favorably with amendments.

V. SECTION-BY-SECTION ANALYSIS

The first section of the bill provides that the short title of the bill is the "Information Age Commission Act of 1986."

Section 2 states congressional findings which include: that computers and communication systems are affecting business, education, government, and the manner in which our national security is carried out; that Congress has already begun to address some of the issues in the Information Age, such as intellectual property rights, computer education, and computer crime; and that there remains a need for a comprehensive and systematic study of the Information Age.

The two purposes of the Act are identified in section 3 of the bill. One is to create a forum for discussions and research on the present and future impact of computers and communications systems. The second is to present choices for change which maximize the benefits of the Information Age to our society.

The name and configuration of the Commission is in section 4 of the bill. The Commission is to be known as the "Information Age Commission". The Commission is to be composed of 23 members. Of the 23 members, 3 are to be from the United States Senate, 3 are to be from the House of Representatives, 6 are to be from the Executive Branch (including the Secretaries of Commerce, Education, and Defense), and 11 are to be from elsewhere. Of these 11 members, representatives should be drawn from the information industry, labor, academe, and state and local government.

Section 5 specifies the functions of the commission. The Commission shall conduct studies to develop an understanding of the Information Age, focusing specifically on at least, but not limited to, seven named topics: (1) the efforts and resources needed to maximize the benefit to society of computer and communications systems; (2) the effort and resources needed to maintain the U.S. lead in the world information marketplace; (3) the education and re-education required to equip our citizens for the Information Age; (4) the use and impact of computer and communications systems on the national defense of the United States; (5) the effort and resources needed to encourage new technological innovation; (6) the impact of computer and communications systems and labor and employment; and (7) the impact of computers and communications systems on personal privacy. In carrying out its responsibilities, the Commission shall make every reasonable effort to avoid duplicating existing research.

Certain routine powers for the Commission are listed in section 6 of the bill, including the authority to hold hearings, contract for research and other services, obtain the services of the Administrator of General Services for day-to-day administrative needs, and obtain the information and assistance of other departments and agencies.

Subject to the rules and regulations of the Information Age Commission, the Chairman of the Commission is authorized under section 7 of the bill to appoint, terminate, and fix the compensation of personnel the Commission selects to assist in the performance of its duties. This authorization is without regard to the provision of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, or any provision of law relating to the member, classification and General Schedule rates for personnel selected to assist the Commission.

The Chairman is also authorized to procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the extent as is authorized by law for agencies in the Executive branch but at rates not to exceed the daily equivalent of the maximum annual rates of basic pay in effect for grade GS–18 of the General Schedule.

Section 8 provides that the Commission members shall serve on the Commission without compensation for their services. Members will be reimbursed for travel as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred in the performance of the functions and duties of the Commission.

Section 9 provides authority for the Commission to adopt rules to govern its procedure.

Authority is provided in section 10 of the bill for the commission to accept, use, and dispose of gifts and donations of money and services.

Section 11 provides that the Commission shall submit its final report to the President and Congress within two years after the enactment of this legislation. The Commission shall expire thirty days after the final report is submitted to Congress and the President.

VI. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of S. 786, as well as the impact of the bill on personal privacy.

The Committee does not believe the legislation results in any cognizable economic or regulatory impact on the public generally, or individuals or businesses.

The Committee does not believe the legislation results in any major changes to the privacy of the public generally, or individuals or businesses.

The Committee does note that one of the topics the Commission will study is the impact of computer and communications systems on personal privacy.

VII. ESTIMATED COST OF LEGISLATION

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee provided the following estimate of the cost of S. 786, prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1986.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 786, the Information Age Commission Act of 1985, as ordered reported by the Senate Committee on Governmental Affairs, August 12, 1986. We estimate that operation of the commission established by this bill would cost about $1 million to $2 million over fiscal years 1987, 1988, and 1989. Some of these costs may be offset by private donations, and the cost to the government would depend on appropriations actions.

This bill would establish a 23-member temporary commission to research and study the impact of computer and communications systems on the United States. The commission would collect relevant materials, hold public hearings, submit analyses and reports to the President and the Congress, and provide information to the media and the public. The commission would issue its final report two years after enactment of the bill, and would terminate one month thereafter.

The commission would be authorized to negotiate and enter into private contracts, obtain and pay for administrative services from the General Services Administration, and hire and compensate personnel outside the civil service. Commission members would serve without pay, but would be reimbursed for travel, subsistence, and other necessary expenses. The commission would be authorized to accept and use gifts or donations of money, services, or property.

Based on a review of similar temporary study commissions, CBO estimates that the commission would incur expenses of approximately $1 million to $2 million over a 25-month period, assuming appropriation of the necessary amounts.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

VIII. VOTE IN COMMITTEE

On August 12, 1986, a quorum being present, the Committee on Governmental Affairs agreed, by voice vote, to report S. 786 as amended, favorably to the Senate. No opposition to the bill was registered by any member.

IX. CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, there are no changes in existing law made by S. 786, as reported.

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